



MINUTES

ENVIRONMENTAL QUALITY ADVISORY BOARD

7447 E. Indian School Road, Ste. 105

Scottsdale, Arizona

Wednesday, February 18, 2004

5:15 p.m.

1) Call to Order

The regular meeting of the Environmental Quality Advisory Board was called to order at 5:24 p.m. by Dan Basinger, Board Chair. The presence of a quorum was noted.

2) Roll Call and Approval of 1/21/04 meeting minutes

Members Present: Dan Basinger, Chair
Don Manthe, Vice Chair
Michele Cohen
Ron Hand
Brian Munson
Randy Nussbaum (left the meeting at 6:45 pm.)
Jay Spector (telephonically from 6:15 to 6:30)

City Staff Present:	Larry Person	Al Ward
	Chuck Skidmore	Sandra Hertlein
	Judy Register	Bill Erickson
	Beth Miller	Don Hadder, Sr.
	David Mansfield	Randy Grant
	Decima Sever	Joe Morris
	Ginny Coltman	John Courtney

Other Attendees: Lynn Lagarde, Earl, Curley & Lagarde
Fred Barton, Ancala
Jill Kusy, Biskind, Hunt & Taylor
Martha West, Beus Gilbert, PLLC
Ross Smith, Grubb & Ellis

Ron Ruziska, State Land Department
Greg Keller, State Land Department
Chandra Bonfiglio, Chair, Pride Committee
Zach Hand

On motion made by Vice Chair Manthe and seconded by Board Member Hand, the minutes for the 1/21/04 meeting were approved as presented. The motion passed unanimously by a vote of six (6) to zero (0).

Mr. Courtney reported to the Board on the city's storm drain inlet marker program. He explained that the official kick off of the program would take place on March 4, 2004, and that 10 to 20 thousand of the markers would be placed within the city. Mr. Courtney displayed a promotional sign stating "Only Rain in the Storm Drain", as a reminder to the public that storm drains are not to be used for any type of dumping. He invited the Board Members to participate in the kick off event on March 4.

Ms. Bonfiglio, Chair of the Scottsdale Pride, addressed the Board and provided them with information on several of the events sponsored by the Pride. She mentioned that April is "Clean and Beautiful Month", with Christmas in April on April 3, Neighborhood Cleanup on April 17 and 18, and that volunteers were welcome. Ms. Bonfiglio also stated that the Pride Members were going to be involved in KidsFest, and concluded by mentioning the Adopt a Road Program, one of their main projects. Chair Basinger pledged the support of the Board, noting that the EQAB participated in several of the Pride events last year.

Ms. Sever noted that the Pride Committee struggled with the Neighborhood Enhancement Weekend last year. She explained that the city sponsors three or four activities for the weekend, and asked for any assistance the Board could provide in enlisting interested neighborhoods.

3) New Business

- Consideration of a Standing Water Subcommittee.

Chair Basinger explained that the Board had identified a need for this subcommittee, and that he was looking for people to sit on the subcommittee and for support from Mr. Mansfield.

Mr. Mansfield advised the Board that State law requires the city to have a water conservation program, with State approved water conservation measures. He distributed a handout detailing the program, and noted a region-wide effort to generate a water conscious ethic among the citizens. Mr. Mansfield stated that he felt the EQAB could be of assistance in getting that message out.

Chair Basinger asked Mr. Munson and Vice Chair Manthe to sit on the water subcommittee, both of whom accepted. Chair Basinger asked them to report back to the Board the following month with bylaws and a purpose statement.

4) Old Business

- EnviroKidsFest '04 & Sol Fest Updates

Board Member Nussbaum explained both of the events to the meeting attendees. He distributed a handout with proclamations from Governor Napolitano and Mayor Manross highlighting Sol Fest and EnviroKidsFest. Mr. Person reported that half of the Scottsdale schools have been contacted and that over 3,400 preliminary commitments have been received for the KidsFest event. He indicated that 3,000 would be the cut off number and that those wishing to register for the 2005 event would be encouraged to do so. Board Member Nussbaum stated that APS, SRP and the Scottsdale Neighborhood Enhancement Commission were sponsoring the event, and that ADEQ had also indicated an interest, as have several other corporate entities. He described the environmental art poster contest for the school children and the murals painted by the children during the Friday event. Mr. Person added that they were still looking for about 150 volunteers for the Friday event. Chair Basinger commended city staff and the city departments for their planning and efforts on behalf of the EnviroKidsFest and SolFest and remarked that the events would help to ensure Scottsdale's position as a leader in environmental issues.

- Draft Remodeling Guidelines

Mr. Hand stated that the remodeling guidelines represented the culmination of over a year's work by the subcommittee. He explained that the intent was to make the guidelines usable for the consumer wishing to undertake any level of remodel and that the guidelines were a component of the city's revitalization program. Mr. Hand stated that a draft copy of the guidelines would be presented to City Council along with the EQAB Environmental Report on March 2.

- ESLO Revisions Presentation

Mr. Grant reviewed the most recent proposed revisions to ESLO, noting that the EQAB had been influential in the process of drafting the 2001 amendments. He stated that City Council had subsequently requested some technical amendments to make the ordinance more understandable in 2003. He stated that Council asked for further recommendations on the following issues:

- 1.) Grandfather provisions for building height
- 2.) Wash protection and drainage issues
- 3.) Perimeter walls and locations within wash corridors
- 4.) Construction building envelopes
- 5.) Wildlife corridors and habitat
- 6.) Density Bonus issues
- 7.) NAOS Definition

He stated that the draft copy was responsive to these issues; however, described it as a working document. He outlined the problems encountered in appropriate grandfathering and who should have rights to build under previous iterations of ESLO. Mr. Grant discussed NAOS selection and the protection of washes and unimpeded movement of wildlife. Mr. Grant referred to a sophisticated GPS mapping system by Mr. Hadder's department as providing the city with a level of information not seen in any other city.

(Board Member Spector joined the meeting telephonically from 6:15 pm. and left at 6:30.)

Mr. Grant went on to discuss the remaining topics in more detail, as indicated in the draft revised amendments.

Chair Basinger opened the floor to public comment.

Lynn Lagarde, Earl, Curley and Lagarde, advised the Board that her firm has represented many of the major master planned communities in Scottsdale, and that she has some very serious concerns regarding the grand fathering clause. She asked to be allowed to come before the Board and present her case in a public hearing format. She commented that she had met with staff the previous morning and that no one had told her of this meeting and the ESLO presentation. She stated that she learned of it only through the newspaper and was troubled by the lack of a public hearing process to address issues of such great concern to so many in the Scottsdale community.

Ms. Lagarde referred to those individuals who had purchased lots ten or fifteen years prior, not planning to build right away, having neighbors with 30-foot homes, and not allowed to build over 24 feet. She repeated that she felt it was important for the Board to hear more testimony from the public before making its recommendations to City Council.

Fred Barton, representing Ancala, spoke next, and voiced his concern as to the equity of the grandfather provision. He spoke in favor of allowing residents to build under the same rules that have been in effect for the last ten years, as their neighbors with more established homes were allowed to do.

Mr. Ron Ruziska, Division Director of the State Land Department, stated that the State Land Commissioner had asked him to appear and express the opinions of that department relative to the proposed ordinance changes. He also echoed Ms. Lagarde's concerns that he had no knowledge of the meeting, and only learned of it coincidentally. He went on observe that he felt that the State Land Department should have been considered a stakeholder in the process, and that it has not been. He expressed a desire to work with staff and address City Council as to the proposed changes. He referred to the Urban Land Act and stated that he wanted to ensure that the contract between the city and State Land Department was adhered to and taken into consideration with respect to changes in the ordinance.

Mr. Howard Myers spoke next and stated that the main issue that has not been addressed was that of walls, which ultimately block wildlife, water flow and views. He noted his previous recommendation that walls be allowed around the house, but leave space between the walls of adjacent homes, and thus keep everything open for wildlife and water flow. He called attention to problems in the lower landforms, where much of the area is flood plain and washes are not well defined. He stated that development in those areas, per federal ordinances, is required to allow certain water flow. He stated that the requirement is nullified by the construction of perimeter walls. Mr. Myers commended the city for its new mapping system and noted his approval of the revisions with the exception of the perimeter wall issues.

Jill Kusy, Biskind, Hunt & Taylor, advised the Board that she represented several homeowners affected by the proposed changes. She commented that she has been following the amendments for a long time and that initially the changes were

minor. She described the changes now being proposed as anything but minor, and requested additional time to review the changes and study the map prepared by city staff.

Mr. Hadder remarked that staff anticipated presenting the changes to City Council on March 16. Discussion ensued and it was the consensus of the Board that the matter should be discussed in more detail at a special meeting. The Board Members also expressed discomfort with the ambiguity of staff relative to the resolution of the grandfather clause issues. They voiced concern as to the lack of involvement in the process of many citizens who should have been involved.

Mr. Hadder suggested making a recommendation as to the changes presented and reserving judgment as to the grandfather clause when appropriate.

Chair Basinger directed Mr. Person to arrange for a special meeting before the end of the month to continue the discussion. He also asked Mr. Person to ensure that all interested parties would be notified and invited to speak.

- Noise Issues

Chair Basinger referred to the draft letter in the Board Member packets regarding noise issues. There was discussion as to the content of the letter. Vice Chair Manthe recommended deleting the phrase, "while the unit is in operation", relative to mufflers for GoPeds. Ms. Register suggested adding, "that fireworks not be deployed after 10:00 pm in any part of the city". It was also agreed to include some verbiage clarifying that fireworks starting after 9:00 pm must be of the "non-booming" type, with a waiver for New Year's Eve and July 4.

Board Member Cohen moved to accept the letter as to content, not form. Vice Chair Manthe seconded the motion, which passed unanimously.

5) Standing Committee Reports

- Green Building Report

Mr. Hand reported that the Commercial Guidelines were in progress, but that the subcommittee had determined that additional descriptive language needed to be added for clarity. He

stated that planning for the next Expo event on October 2, 2004 was proceeding well. Mr. Hand reported that a planning retreat for the Green Building Committee would be held on Tuesday, March 9 from 12:00 to 5:00 on the second floor of the Scottsdale Center for the Arts.

Mr. Skidmore stated that the first detailed design meeting for the Senior Center design had taken place. He also explained that the Commercial Guidelines subcommittee was focusing on including the philosophy behind the guidelines to make it user-friendlier.

6) Updates and Reminders

Chairman Basinger noted that the next Household Hazardous Waste Day Event would be held the first week in April, and that volunteers were needed. He encouraged the Board Members and Green Building Committee members to attend the March 2 City Council meeting for presentation of the State of the Environmental Report, Green Building Progress Report and Remodeling Guidelines.

Board Member Cohen advised the Board of an informational meeting at Mustang Library by the District Eight Democrats to meet mayoral candidates on Thursday, February 19.

Next Regular Meeting is scheduled for 3/17/04.

7) Adjournment

On motion made and duly seconded, the regular meeting of the Environmental Quality Advisory Board was adjourned at 7:47 p.m.

Respectfully submitted,

Diane Swanberg
Court Reporter